

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Ricky Darren Sanders,	)	
	)	C/A No. 9:17-2783-MBS
Petitioner,	)	
	)	
vs.	)	
	)	
Director of Sumter-Lee Regional	)	<b>ORDER AND OPINION</b>
Detention Center,	)	
	)	
Respondent.	)	
_____	)	

At the time of the underlying complaint, Petitioner Ricky Darren Sanders was incarcerated at the Sumter-Lee Regional Detention Center for civil contempt. Petitioner, proceeding pro se and in forma pauperis, filed a petition under 28 U.S.C. § 2254 on October 13, 2017, alleging that his incarceration is invalid. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On January 18, 2018, the Magistrate Judge issued an order directing Petitioner to bring the case into proper form by paying a \$5.00 filing fee and directing Petitioner to inform the Clerk of Court in writing of any change in address. Petitioner was cautioned that his failure to advise the Clerk of a change in address could result in dismissal of his petition. Petitioner paid the filing fee on February 8, 2018.

The Magistrate Judge reviewed the § 2254 petition pursuant to the procedural provisions of the Anti-Terrorism and Effective Death Penalty Action of 1996 and other precedents. The Magistrate Judge issued a Report and Recommendation on February 13, 2018 in which he recommended that the § 2254 petition be dismissed because Plaintiff had failed to exhaust his state remedies. See 28 U.S.C. 2254(b), (c). On March 1, 2018, the envelope containing Petitioner's copy

of the Report and Recommendation was returned to the Clerk of Court marked “RETURN TO SENDER - REFUSED - UNABLE TO FORWARD - RELEASED.”

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id.

It appears that Petitioner no longer wishes to pursue this action. For the reasons stated herein, the § 2254 petition is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

April 10, 2018

#### **NOTICE OF RIGHT TO APPEAL**

**Petitioner is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**